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*Counsel for Christopher McAlary*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:	Case No.: Case No. BK-S-23-10423-MKN
CASH CLOUD, INC., dba COIN CLOUD,	Chapter 11
Debtor.	<b>STATEMENT OF ISSUES ON APPEAL</b>

Christopher McAlary (“Mr. McAlary”) by and through his attorneys of record, Carlyon Cica Chtd., pursuant to Federal Rule of Bankruptcy Procedure 8006, hereby designates the following issues on appeal from *Order on Motion to Convert Case to Chapter 7 Dated September 18, 2023* [ECF No. 1149]

1. Whether the Bankruptcy Court erred in denying Chris McAlary’s Motion to Convert Case to Chapter 7 when there is cause to convert as provided for in 11 U.S.C. §1112?
2. Whether the Bankruptcy Court erred in denying Chris McAlary’s Motion to Convert Case to Chapter 7 despite the substantial and continuing loss to and diminution of the estate and the absence of a reasonable likelihood of rehabilitation as provided for in 11 U.S.C. §1122(b)(4)(A)?
3. Whether the Bankruptcy Court erred in denying Chris McAlary’s Motion to Convert Case to Chapter 7 when the Debtor has indicated its desire to abdicate its right to bring claims, and a Chapter 7 Trustee would be a more efficient and less expensive party to

1 control litigation than a paid “independent director,” several sets of attorneys, and a  
2 financial advisor; and litigation is proposed to be controlled by the Committee which  
3 itself is co-chaired by the main litigation target, and has employed two sets of counsel  
4 and its own financial advisor?

- 5 4. Whether the Bankruptcy Court erred in denying Chris McAlary’s Motion to Convert  
6 Case to Chapter 7 when a Chapter 7 Trustee would be better able to comply with the  
7 fiduciary duties, including disinterestedness, which are necessary to maximize the  
8 value of such claims?
- 9 5. Whether the Bankruptcy Court erred in denying Chris McAlary’s Motion to Convert  
10 Case to Chapter 7 when a plan has been confirmed but will never reach the effective  
11 date?

12 Respectfully submitted this 12<sup>th</sup> day of October, 2023.

13 **CARLYON CICA CHTD.**

14 */s/ Candace C. Carlyon, Esq.*

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**CERTIFICATE OF SERVICE**

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Cristina Robertson  
An employee of Carlyon Cica Chtd.